REMARKS

In the Final Office Action mailed June 19, 2007, the Examiner made final the following rejections: (1) rejections of claims 1, 4, 5, 10, 13, 16-17, and 22 under 35 USC §102(b) as being anticipated by McIntyre (US 3938764); and (3) rejections of claims 3 and 15 under 35 USC §103(a) as being unpatentable over McIntyre in view of Beroth (US 5178346). Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

I. Rejections under §102(b) and §103(a)

Claims 1, 3-5, and 10

As amended, claim 1 recites:

> 1. A payload track adapted for use with a payload assembly, comprising:
> an elongated support including a first channel member having a first support surface, a second channel member approximately parallel to and spaced apart from the first channel member having a second support surface approximately co-planar with the first support surface, the support surfaces being configured to engage directly or indirectly with a lower surface of a floor panel; and
> an engagement member centrally disposed between the two channel members, wherein a first vertical side of the engagement member is attached to a first adjacent portion of the first channel member and a second vertical side of the engagement member is attached to a second adjacent portion of the second channel member, and the engagement member includes an approximately horizontal top surface configured to be coupled to the payload assembly, *wherein the top surface is least one of flush with and recessed below the first and second support surfaces,* and wherein the top surface has at least one of an engagement slot and an attachment aperture disposed therein. (emphasis added).

McIntyre (US 3938764)

McIntyre teaches a floor structure for an aircraft having frangible floor panels 32. (3:3-25). The frangible floor panels 32 are configured to withstand normal loads, however, in the event of a depressurization of a lower compartment below the floor structure, the frangible floor panels 32 of McIntyre break instantaneously to enable rapid equilibration of the pressures on the upper and lower surfaces of the floor structure. (4:3-4). With reference to McIntyre's Figure 2, McIntyre teaches a seat track 16 that corresponds almost identically with the prior art seat track 106 shown in Applicants' Figure 2. Specifically, a top surface 24 of the seat track 16 of McIntyre is approximately flush with a *top surface* of the adjacent floor panels 32 rather than the outwardly extending legs 30 of the seat track 16. (Figure 2). This is exactly the feature of the prior art that Applicants' invention is intended to overcome.

Applicants respectfully submit that McIntyre fails to disclose, teach, or fairly suggest the apparatus recited in claim 1. Specifically, claim 1 recites in relevant part a payload track having an engagement member centrally disposed between two channel members, the engagement member including an approximately horizontal top surface configured to be coupled to the payload assembly, and *wherein the top surface is least one of flush with and recessed below the first and second support surfaces, and wherein the top surface has at least one of an engagement slot and an attachment aperture disposed therein.*. (emphasis added). As noted above, McIntyre teaches that the top surface 24 of the seat track 16 is approximately flush with a *top surface* of the adjacent floor panels 32, rather rather than the outwardly extending legs 30 of the seat track 16. Accordingly, claim 1 is allowable over McIntyre.

Beroth (US 5178346)

Beroth teaches a track fastener for securing seats or cargo to a seat track within an aircraft. (5:11-14). As best shown in Beroth's Figure 2, the track fastener 10 engages a track 11

having a slot 12 that includes alternating enlarged openings 14 and relatively narrower segments 15. (7:3-10).

Beroth fails to remedy the above-noted deficiencies of McIntyre. More specifically, as shown in Figure 3, Beroth teaches that the top surface of the engagement member projects above an upper surface of the adjacent floor panels. There is no teaching of suggestion of the top surface being at least one of *flush with and recessed below the first and second support surfaces* taught by Applicants. Accordingly, claim 1 is allowable over Beroth, either singly or in combination with McIntyre.

For the foregoing reasons, claim 1 is allowable over the Cited References (McIntyre and Beroth). Claims 3-5 and 10 depend from claim 1 and are allowable at least due to their dependencies on claim 1, and also due to additional limitations recited in these claims.

Claims 13, 16, and 22

Similarly, claim 13 recites:

> 13. A payload assembly, comprising:
> a payload member having at least one rigid support member; and
> a floor assembly including at least one floor panel,
> an elongated support having a first channel member having a first support surface, a second channel member approximately parallel to and spaced apart from the first channel member having a second support surface approximately co-planar with the first support surface, the support surfaces being engaged with a lower surface of the floor panel, and
> an engagement member centrally disposed between the two channel members, wherein a first vertical side of the engagement member is attached to a first adjacent portion of the first channel member and a second vertical side of the engagement member is attached to a second adjacent portion of the second channel member, and the engagement member includes an approximately horizontal top surface coupled to the rigid support member, *wherein the top surface is at least one of flush with and recessed below the first and second support surfaces*, wherein the top surface has at least one of an engagement slot and an attachment aperture disposed therein. (emphasis added).

As described more fully above, Applicants respectfully submit that the Cited References (McIntyre and Beroth) fail to disclose, teach, or fairly suggest the apparatus recited in claim 13. Specifically, claim 13 recites in relevant part a payload assembly having an engagement member centrally disposed between two channel members, the engagement member including an approximately horizontal top surface configured to be coupled to the payload assembly, and *wherein the top surface is least one of flush with and recessed below the first and second support surfaces, and wherein the top surface has at least one of an engagement slot and an attachment aperture disposed therein.*. (emphasis added). As noted above, McIntyre teaches that the top surface 24 of the seat track 16 is approximately flush with a *top surface* of the adjacent floor panels 32, rather than the outwardly extending legs 30 of the seat track 16, while Beroth teaches that the top surface of the engagement member projects above an upper surface of the adjacent floor panels. Claim 13 is therefore not taught or fairly suggested by the Cited References.

For the foregoing reasons, claim 13 is allowable over the Cited References (McIntyre and Beroth). Claims 16 and 22 depend from claim 13 and are allowable at least due to their dependencies on claim 13, and also due to additional limitations recited in these claims.

Claim 17

Claim 17 recites:

> 17. A payload assembly, comprising:
> a payload member having at least one rigid support member; and
> a floor assembly including at least one floor panel,
> an elongated support having a first channel member having a first support surface, a second channel member approximately parallel to and spaced apart from the first channel member having a second support surface approximately co-planar with the first support surface, the support surfaces being engaged with a lower surface of the floor panel, and
> an engagement member centrally disposed between the two channel members, wherein a first vertical side of the engagement member is attached to a first adjacent portion of the first channel member and a second vertical side of the engagement member is attached to a second adjacent portion of the second channel member, and the engagement

member includes an approximately horizontal top surface coupled to the rigid support member, *wherein the top surface is at least one of flush with and recessed below the first and second support surfaces*, wherein each of the first and second channel members has a "C"-shaped cross section. (emphasis added).

Again, as described more fully above, Applicants respectfully submit that the Cited References (McIntyre and Beroth) fail to disclose, teach, or fairly suggest the apparatus recited in claim 17. Specifically, claim 17 recites in relevant part a payload assembly having an engagement member centrally disposed between two channel members, the engagement member including an approximately horizontal top surface configured to be coupled to the payload assembly, and *wherein the top surface is least one of flush with and recessed below the first and second support surfaces, and wherein the top surface has at least one of an engagement slot and an attachment aperture disposed therein..* (emphasis added). As noted above, McIntyre teaches that the top surface 24 of the seat track 16 is approximately flush with a *top surface* of the adjacent floor panels 32, rather than the outwardly extending legs 30 of the seat track 16, while Beroth teaches that the top surface of the engagement member projects above an upper surface of the adjacent floor panels. Claim 17 is therefore not taught or fairly suggested by the Cited References.

CONCLUSION

Applicants respectfully submit pending claims 1, 3-5, 10, 13, 15-17, and 22 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

Dated: Oct. 30, 2007

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Enclosures:
Request for Continued Examination